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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003555

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TAGS: [PGOV](#) [IZ](#)

SUBJECT: BAGHDAD-BASED FAYLI KURDS CALL FOR ASSISTANCE,  
COMPENSATION

REF: BAGHDAD 1333

Classified By: Acting Deputy Political Counselor John Rath for reasons  
1.4 (b) & (d)

[11](#). (C) Summary: Samia Aziz Muhammad, Fayli Kurd and PUK member of the Kurdish Alliance in the Council of Representatives, told Poloff October 11 that the Faylis have been struggling since 2003 to regain what was stolen from them under Saddam and to punish those that subjected Iraq,s Fayli Kurd population to kidnappings, deportations and killings that she believes amount to genocide, mostly without success. Other Faylis living in Baghdad have echoed these calls for assistance though they have focused on addressing their current plight ) inability to find jobs in a polarized city. End Summary.

Faylis Oppressed Under Previous Regime, No Better Now  
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[12](#). (C) CoR member and Fayli Kurd Samia Aziz Muhammad told Poloff October 11 that the previous Sunni regime subjected Iraq,s Fayli Kurd population to kidnapping, deportation and killings that amount to genocide (Note: Most Faylis are Shia. End Note). During Saddam,s campaign against the Faylis she estimates 10,000 were murdered and approximately 500,000 deported, mostly to Iran - almost 16,000 Fayli families were displaced from Baghdad. Now those that have returned are under fire for their time in Iran ) time they did involuntarily, she explained. They have been largely unable to reclaim their property or receive compensation. Even when they do find their way through the bureaucratic and political labyrinth of the property claims process they usually are unable to recoup anything beyond the domicile or the land ) possessions, interest and lost rent, for example. In fact the previous tenants are compensated handsomely for moving out, a fact that Samia resents. Samia said she had complained to the Ministry of Finance on this issue as recently as October 10, to no avail.

[13](#). (C) According to Samia, many Faylis are again leaving Baghdad - they and the Turkomen are oppressed by both Shia and Sunni. By way of example, she related an incident in which some Sadrists sent a note to a wealthy Fayli man living in the Jumila neighborhood of Baghdad, threatening to kill him if he did not vacate his house or provide a bribe. The Fayli man went to the local Sadrist office and explained that he too was Shia, and wondered why they were threatening him. The Sadrists told him he was different, not a "real" Shia. They also denied that anyone in their office would send such a note. Later he received another note asking why he had gone to the office to report the first note. He then opted to flee to the Kurdistan Region. Samia said she took this up with Sadrist CoR member Nasar al-Rubaie who admitted that many Sadrist offices were penetrated by criminals. Samia opined that the Sadrists are using the Fayli excuse to justify their theft.

14. (C) Asked if President Talabani was aware of the plight of the Faylis in Baghdad she said she had personally discussed this issue with him, but he had responded that it was difficult to do anything for them outside of the Kurdistan Region.

#### Justice and Retribution

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15. (C) Mrs. Samia's primary concern is getting a chance for lawyers or investigative judges to take statements from former regime elements such as Tariq Aziz, Chemical Ali and others before they are executed. She believes that is the only way that the Faylis will have justice for these crimes. Otherwise the Faylis have only their word with which to reclaim their property. She passed a partial list of these detainees to Poloffs.

16. (C) She contacted one of the investigative judges at the Iraqi High Tribunal who is handling the case of the Fayli Kurds (name unknown) but he has been unhelpful, she said. He told Samia that the Americans were restricting his access to detainees and it was thus difficult to investigate her claims. He told her he went to the airport to interview them but the American who had agreed to help them did not show and thus he was only able to interview 1 person ) Sadoon Shakr, the former Iraqi Minister of Interior under Saddam. She asked for U.S. help in solving access issues and getting the judge in to see these detainees.

17. (C) Samia also told the Iraqi investigative judge that many Faylis are still displaced in countries around the world and need assistance to return to Iraq or to receive compensation. The Judge told her visiting each of them to

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take their statements was unrealistic but he said they could go to the Iraqi embassies or consulates in their respective countries to give their statements.

18. (C) Samia said that after the Coalition liberated Iraq in 2003 she considered the US "second only to God," but since then she has experienced nothing but disappointment and frustration with American actions (or lack thereof), a feeling she says many Faylis share. She said there is much emphasis on the plight of those who have immigrated to Syria or Jordan since security worsened in Iraq and a huge effort to render them assistance. She opined that those that were forced to leave more than 20 years ago also deserve assistance.

#### Next Steps

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19. (C) Samia said since she has been unable to get satisfaction in Baghdad she plans to go to the Hague to prosecute the former regime members under the international criminal court. Her goal is to have the whole world know the plight of the Faylis and what the former regime did to them. She said that through all her suffering over the last four years they fought with dialogue and democracy, never taking up arms. She believes that this is the only way to solve problems, but she is increasingly frustrated. She explained that, after working through the Iraqi Property Claims Commission for four years she was suddenly told that the Commission could not address her claims and that she should file in a regular Iraqi court.

110. (C) She described to Poloff some of the laws issued under Saddam that specifically targeted the Faylis. She said she is working on draft legislation to repeal these laws and asked for help in finding good legal counsel ) someone experienced in deportation cases who has experience in Romania, Kosovo or other places dealing with prosecuting and making reparations for "genocide" in places such as Kosovo. Sample laws targeting Faylis include one whereby the GOI

would give 4000 Iraqi Dinars (ID) to a soldier who divorced his Fayli wife and 2500 ID to a civilian who did the same. She said there were Turkomen fighting in the Iraqi Army against Iran whose families were deported to Iran while they were away at the front. She also claimed that Faylis were forced to join the army while other Iraqi citizens or recent immigrants were allowed to choose.

¶11. (C) Comment: Baghdad's Fayli Kurds appear to be struggling to find a place in an increasingly divided city and often seem neglected in the face of the larger Sunni v. Shia fight. According to Baghdad Faylis, most other Kurds have fled the country or relocated to the Kurdistan Region, and many of the local Kurdish party leaders are Fayli Kurds. Local PUK leader and Fayli, Sadoon Shafi, has repeatedly told Poloff how difficult it is for a Fayli to find work in Baghdad because neither Sunni nor Shia Arabs will accept them. Shafi also told us in September that the Faylis in Baghdad had formed a chamber of commerce to help improve their economic situation and requested USAID assistance to begin a number of unspecified projects. While most Faylis voted with Shia parties in the last elections, their increasing separation from Shia society combined with recruitment efforts from the local PUK and KDP could sway their allegiance toward the Kurdish list.

¶12. (C) Bio Note: Samia, a frequent contact for Embassy Baghdad, has personally experienced tragedy, losing several family members since her return in 2003 in addition to those lost to the former regime. A Danish citizen, Mrs. Samia explains that legally and financially she has no reason to remain in Baghdad, but she returned and remains on principle - to reclaim what was taken from her 27 years ago and champion the cause of the Faylis. Though elected through the PUK, she considers herself an independent.  
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